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HON. WHITMAN L. HOLT

HEARING DATE: Friday, July 2, 2021

HEARING TIME: 10:00 a.m. PT

RESPONSE DUE: July 1, 2021

at 10:00 a.m. PT

LOCATION: Telephonic

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Debtors and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re

Chapter 11

EASTERDAY RANCHES, INC., *et al.*  
Debtors.<sup>1</sup>

Lead Case No. 21-00141-WLH11  
Jointly Administered

EASTERDAY RANCHES, INC., and  
EASTERDAY FARMS,

Adv. Proc. No. 21-80044-WLH11

Plaintiffs,

vs.

RABO AGRIFINANCE LLC,

**MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Defendant.

<sup>1</sup> The Debtors along with their case numbers are as follows: Easterday Ranches, Inc., (21-00141-WLH11) and Easterday Farms, a Washington general partnership (21-00176-WLH11).

1 Easterday Ranches, Inc. (“Ranches”) and Easterday Farms (“Farms”), the debtors  
2 and debtors in possession and plaintiffs in the above-captioned adversary proceeding  
3 (the “Debtors”), hereby bring this *Motion for a Temporary Restraining Order and*  
4 *Preliminary Injunction* (the “Motion”). By the Motion, the Debtors seek, pursuant to  
5 11 U.S.C. § 105(a) and Federal Rule of Bankruptcy Procedure 7065, a temporary  
6 restraining order and preliminary injunction, until the effective date of a plan in these  
7 chapter 11 cases, prohibiting Rabo Agrifinance, LLC, the defendant herein (“Rabo”),  
8 from engaging in collection efforts against the general partners of Farms, Cody  
9 Easterday, Debby Easterday and Karen Easterday (in her individual capacity and as the  
10 representative of her recently deceased husband, Gale Easterday), (collectively, the  
11 “Partners”). Such collection efforts by Rabo are the subject of a lawsuit, captioned  
12 *Rabo Agrifinance LLC, Plaintiff v. 3E Properties et. al. Defendants*, Case No. 21-cv-  
13 05066, pending in the District Court for the Eastern District of Washington, Richmond  
14 Division (the “Rabo Action”) which is being actively pursued by Rabo against the  
15 Partners.

16 The injunctive relief requested by the Motion is necessitated as the Debtors  
17 require the immediate and continued attention, assistance and cooperation of the  
18 Partners to facilitate and effectuate sales process of the Debtors’ assets and to develop  
19 and confirm the Debtors’ contemplated plan in these chapter 11 cases. Moreover,  
20 Rabo’s foreclosure of the Mortgages will irreparably damage the Debtors themselves  
21 as the Debtors are using such property as their headquarters (though there is no written  
22 lease) and property and inventory of the Debtors are stored on the property.

23 In support of the Motion, the Debtors rely on the concurrently filed *Complaint*  
24 *for Injunctive Relief*, the *Memorandum of Law in Support of Motion for a Temporary*  
25 *Restraining Order and Preliminary Injunction*; the *Declaration of T. Scott Avila in*  
26 *Support of Motion for a Temporary Restraining Order and Preliminary Injunction*.

27 MOTION FOR TEMPORARY RESTRAINING  
28 ORDER AND INJUNCTIVE RELIEF – Page 2

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1 WHEREFORE, the Debtors respectfully request that the Court enter an  
2 immediate temporary restraining order and, thereafter, a preliminary injunction  
3 enjoining prosecution of the Rabo Action, and any other collection attempts by Rabo,  
4 against the Partners until the effective date of a plan in these chapter 11 cases. The  
5 temporary restraining order would remain in effect until the Court has an opportunity  
6 to conduct a hearing and issue its ruling on the Debtors' request for a preliminary  
7 injunction.

8 DATED: June 28, 2021

BUSH KORNFELD LLP

9 /s/ Thomas A. Buford, III

10 THOMAS A. BUFORD, III (WSBA 52969)

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28 ORDER AND INJUNCTIVE RELIEF – Page 3

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